

MARIO N. ALIOTO, ESQ. (56433)
LAUREN C. RUSSELL, ESQ. (241151)
TRUMP, ALIOTO, TRUMP & PRESCOTT, LLP
2280 Union Street
San Francisco, CA 94123
Telephone: (415) 563-7200
Facsimile: (415) 346-0679
E-mail: malioto@tntp.com
lauren russell@tntp.com

JOSEPH M. PATANE, ESQ. (72202)
LAW OFFICE OF JOSEPH M. PATANE
2280 Union Street
San Francisco, CA 94123
Telephone: (415) 563-7200
Facsimile: (415) 346-0679
E-mail: jpatane@tntp.com

Attorneys for Plaintiffs Martin Kaufman,
Ireatha Diane Mitchell, Rosemary Schenk
And Lemuel Schenk

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

**IN RE TRANSPACIFIC PASSENGER
AIR TRANSPORTATION ANTITRUST
LITIGATION**

) **Case No. 07-cv-05634-CRB**

) **MDL No. 1913**

) **RESPONSE IN SUPPORT OF**
) **PLAINTIFFS DONALD WORTMAN,**
) **WILLIAM ADAMS AND MARGARET**
) **GARCIA'S MOTION FOR**
) **APPOINTMENT OF INTERIM LEAD**
) **COUNSEL**

This Document Relates To:

ALL ACTIONS

) **Date: March 28, 2008**
) **Time: 10:00 a.m.**
) **Courtroom 8, 19th Floor**
) **The Honorable Charles R. Breyer**

I. Introduction

Plaintiffs Martin Kaufman, Ireatha Diane Mitchell, Rosemary Schenk and Lemuel Schenk (“Plaintiffs”) submit this response in support of Plaintiffs Donald Wortman, William Adams and Margaret Garcia’s pending motion to appoint their attorneys, the law firm of Cotchett, Pitre & McCarthy (“The Cotchett Firm”), as interim lead counsel in this action. The Cotchett Firm is especially well-qualified to serve as interim lead counsel because it has been at the forefront of the investigation and litigation of claims against the airline industry for their practice of conspiring to increase the prices of international passenger ticket prices and increasing fuel surcharges. In addition, The Cotchett Firm has taken the lead in attempting to organize plaintiffs’ counsel, preparing a case management plan, and coordinating its efforts with other counsel in the case. Therefore, this Court should appoint The Cotchett Firm as Interim Lead Counsel for the plaintiff class.

II. Plaintiffs Support The Cotchett Firm Because It Is Especially Well-Qualified To Lead This Case

Plaintiffs support the appointment of The Cotchett Firm as Lead Counsel in this action. The Cotchett Firm is especially well-qualified to lead this case because of the unique knowledge and expertise it has gained from its role as Co-Lead Counsel in the *In re: International Air Transportation Surcharge Antitrust Litigation*, (Case No. 06-1793 CRB, MDL 1793, N.D. Cal.), and its involvement in the *In re Korean Air Lines Co., Ltd. Antitrust Litigation*, (Case No. 07-5107 SJO, MDL. 1891, C.D. Cal.). Both of these cases involve the same industry and substantially similar antitrust allegations as the allegations being made in this litigation. Therefore, The Cotchett Firm is uniquely well-suited to handle the factual and legal issues that will arise in the Transpacific Air Passenger price-fixing cases.

Undersigned counsel has 34 years experience in antitrust and class action litigation. Counsel has participated in numerous antitrust class actions, including the *International Air Transportation Surcharge Antitrust Litigation* and the *Korean Air Cases*, and is qualified to serve in a leadership position in this case. However, counsel chooses not to pursue a Lead

1 Counsel position, but rather to support The Cotchett Firm because of its unique qualifications
2 and in order to get the leadership settled and get on with the case.

3 **III. The Cotchett Firm Has Already Taken The Lead In Prosecuting These Cases**

4 The Cotchett Firm has already taken the lead in prosecuting these cases. It has identified
5 the defendants and framed the claims, it is effecting service on the foreign defendants, it
6 represented the plaintiffs before the Judicial Panel on Multidistrict Litigation, and it has devised
7 a case management plan in consultation with other counsel in the case. In the past, The Cotchett
8 Firm has worked cooperatively with most of the firms in this case. It has demonstrated its
9 commitment to do so again in this case.

10 This is a complex case. Defendants are major international airline carriers from a number
11 of different countries. Many different transpacific air passenger routes are involved. This case
12 requires leadership by a firm well versed in the law, with knowledge of the industry, and a
13 proven track record of success. The Cotchett Firm fits the bill.

14 **IV. Conclusion**

15 For all of the foregoing reasons, Plaintiffs request that The Cotchett Firm be appointed
16 Interim Lead Counsel.

17 Dated: March 7, 2008

By: /s/ Mario N. Alioto
Mario N. Alioto (56433)
Lauren C. Russell (241151)
TRUMP, ALIOTO, TRUMP & PRESCOTT, LLP
2280 Union Street
San Francisco, CA 94123
Telephone: (415) 563-7200
Facsimile: (415) 346-0679
E-mail: malioto@tatp.com
lauren russell@tatp.com

23 Joseph M. Patane (72202)
24 LAW OFFICE OF JOSEPH M. PATANE
25 2280 Union Street
26 San Francisco, CA 94123
27 Telephone: (415) 563-7200
Facsimile: (415) 346-0679
E-mail: jpatane@tatp.com

Sherman Kassof (66383)
Law Offices of Sherman Kassof
954 Risa Road, Suite B
Lafayette, CA 94549
Telephone: (510) 652 2554
Facsimile: (510) 652 9308
Email: heevay@att.net

Counsel for Plaintiffs Martin Kaufman, Ireatha
Diane Mitchell, Rosemary Schenk and Lemuel
Schenk And All Others Similarly Situated

CERTIFICATE OF SERVICE

The undersigned certifies that on this 7th day of March 2008, the foregoing Notice of Appearance was electronically filed and served on all parties via ECF, and is available for viewing and downloading from the ECF system.

/s/ Mario N. Alioto

Mario N. Alioto